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Hot Topic: New Domestic Abuse Statute Mandates Arrests in Domestic Abuse Situations

Rex Barton

Municipal Technical Advisory Service, Rex.Barton@tennessee.edu

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Hot Topics for Tennessee cities and towns

July 18, 1995 #17

New Domestic Abuse Statute Mandates Arrests in Domestic Abuse Situations

By Rex Barton
MTAS Police Management Consultant

The legislature intends that the official response to domestic abuse stresses enforcing the laws to protect the victim. Therefore, after July 1, 1995, the preferred response in a domestic abuse case is to arrest the primary aggressor, according to *Tennessee Code Annotated*, Title 36, Chapter 3, Part 6.

The new statute defines preferred response as "... law enforcement officers **shall** arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest." The law change also requires police officers to document the reasons for not making an arrest in a domestic abuse situation.

Most police department policies reflect the old law that allowed a warrantless arrest, rather than mandating an arrest. Local police departments should review their policies and procedures to ensure that they are in compliance with the new law. Police departments may call their MTAS municipal consultant or Rex Barton, MTAS' police management consultant, at (615) 974-0411.



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The University of Tennessee
Municipal Technical Advisory Service
600 Henley Street
Suite 120
Knoxville, Tennessee 37996-4105



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By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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